

Application of: Colin N.B. COOK et al.
Serial No.: 10/792,286
Filed: March 4, 2004
Reply to Office Action of February 18, 2010

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussions, is respectfully requested.

Claims 1, 2 and 12-15 are currently pending in the application. No claims have been added, canceled or amended herewith.

In the outstanding Office Action, the previous grounds for rejection were withdrawn, and new grounds for rejection were entered. Those new grounds for rejection include rejections under 35 U.S.C. 103(a) alleging that claims 1, 2 and 12-15 are rendered obvious by U.S. Patent Publication No. 2002/0038334 (hereinafter “the ‘334 publication”) in view of U.S. Patent No. 7,162,407 (hereinafter “the ‘407 patent”), either alone or in combination with another reference. Those grounds for rejection are respectfully traversed.

In reference to Claim 1, the Office Action admits that the ‘334 publication “does not explicitly teach a method of testing the operating system of the logical mouse to determine if it supports USB HID.” While this is not the actual language of the claim, it is understood that the Office Action is admitting that the “testing” limitation of claim 1 is not taught by the ‘334 publication. The Office Action then attempts to overcome the deficiency of the ‘334 publication by relying on the ‘407 patent instead. The Office Action cites col. 2, lines 23-27, of the ‘407 patent as teaching “testing an operating system of the logical mouse to determine if the operating system of the logical mouse supports the use of a USB-based human interface descriptor (HID) using absolute movement of a mouse cursor to an absolute position other than the origin.” However, that cited section is just a general description of testing and states:

FIG. 1 shows a test system 10 for testing an in-test host's support of peripherals that use a given peripheral communications protocol. In the exemplary embodiment described herein, the test system is designed to

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test support for USB peripherals. However, the system can alternatively be used to test support of other peripheral communications protocols.

Col. 2, lines 23-27. As such, the '407 patent does not teach "determin[ing] if the operating system of the logical mouse supports the use of a USB-based human interface descriptor (HID) using absolute movement of a mouse cursor to an absolute position other than the origin." In fact, the '407 patent does not disclose the word "absolute" or the phrase "absolute position" at all. Thus, the '407 patent could not teach testing for this capability.

The '407 patent also does not teach the use of *descriptors* that define the characteristics of input devices in general. (The '407 patent refers to Human Interface *Devices* not *descriptors*.) Thus, claimed testing limitation is not taught by the '407 patent.

As the Office Action admits that the claimed testing limitation is not taught by the '334 publication, and as the testing limitation is not taught by the '407 patent either, then the combination of references fails to teach the same limitation not taught by the references individually. Thus, claim 1 and its dependent claims are not rendered obvious by the proposed combination of references.

If the Office Action is attempting to ignore that the claim requires "absolute movement of a mouse cursor to an absolute position other than the origin" or is attempting to interpret "absolute movement" to be a series of relative movements, then it is respectfully submitted that the Office Action is utilizing an unreasonably broad interpretation of the claims. It appears that the Office Action is attempting to rewrite the testing limitation to recite "determin[ing] if the operating system of the logical mouse supports the use of a USB-based human interface descriptor (HID) ~~using absolute movement of a mouse cursor to an absolute position other than the origin.~~" However, this is not what claim 1 recites, and, in fact, claim 1 recites the "absolute movement" and

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“absolute position” in each of the three limitations of claim 1. Thus, claim 1, when interpreted correctly, is not rendered obvious by the proposed combination of references.

Accordingly, the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

CHARGE STATEMENT: Deposit Account No. 501860, order no. **2540-0707**.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/ Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

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